

**IN THE UNITED STATES DISTRICT FOR THE
WESTERN DISTRICT OF MISSOURI**

**IN THE MATTER OF THE SEARCH
OF:**

**INFORMATION ASSOCIATED WITH
THE GOOGLE ACCOUNT
andyham04@gmail.com**

Case No. 22-SW-2004DPR

**MAINTAINED BY GOOGLE LLC,
HEADQUARTERED AT
1600 AMPHITHEATER
MOUNTAIN VIEW, CALIFORNIA 94043**

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Lee Walker, a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI), being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a police officer with the City of Springfield, Missouri, since 2004. I am currently a TFO with the FBI, as well as a member of the Southwest Missouri Cyber Crimes Task Force (SMCCTF) in Joplin, Missouri. As a TFO, I have been assigned to investigate computer crimes, including violations against children. I have gained expertise in the conduct of such investigations through training in seminars, classes, and everyday work related to conducting these types of investigations. I have attended training provided the Missouri Internet Crimes Against Children (ICAC) Task Force. I have written, executed, and assisted in over 100 search warrants on the state and federal level. As part of this affiant's duties with FBI, this affiant investigates criminal violations relating to sexual exploitation of children, and the production, receipt, possession, and distribution of child pornography, in violation of 18 U.S.C. §§ 2251, 2252, and 2252A.

2. I make this affidavit in support of an application for a search warrant for information associated with a certain Google account, which is stored at premises owned, maintained, controlled, or operated by Google LLC (hereinafter "Google"), an electronic communication service and remote computing service provider, headquartered in Mountain View, California, within the Northern District of California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. § 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Google to disclose to the Government records and other information in its possession, further described in Attachment B, pertaining to the subscriber or customer associated with the account, further described in Attachment A.

3. The statements in this affidavit are based on my personal observations, my training and experience, my investigation of this matter, and information obtained from other agents and witnesses. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth the facts that I believe necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of violations of 18 U.S.C. §§ 2251, 2252, and 2252A, are currently located within an account maintained by Google.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. §§ 2251, 2252, and 2252A have been committed by a Google user/account holder registered to email address **andyham04@gmail.com**. There is also probable cause to search the information described in Attachment A for evidence of these crimes and contraband or fruits of these crimes, as described in Attachment B.

JURISDICTION

5. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

BACKGROUND OF INVESTIGATION

6. On July 1, 2021, an Online Covert Employee (OCE) for the FBI San Antonio Child Exploitation Task Force in McAllen, Texas, was actively monitoring the Kik group “#daugh10” as it was associated with discussion of child exploitation and the trade of child sexual abuse material (CSAM).

7. On or about July 1, 2021, an unknown suspect using the Kik ID ryan74102411 and a vanity name of Ryan was participating in the group chat. The OCE began a chat conversation with Ryan, which occurred over the span of approximately 47 days. During these conversations, Ryan discussed various topics related to child exploitation, to include rape and molestation of children and the trade of child exploitation images. The OCE maintained a chat log of these conversations. This affiant reviewed the chat logs and confirmed the activity met investigative standards.

8. During these chat conversations, Ryan shared a video, which was screen recorded by the OCE. The shared image was a video of a naked adult male with an erect penis standing and masturbating in front of a prepubescent female. The minor female appears impaired. The male continues masturbating while holding the girl’s head in one hand until he ejaculates onto her mouth. The affiant obtained a copy of the video from the San Antonio FBI Office, confirmed this

description, and confirmed that the video was child pornography, that is, it was a visual depiction of a minor engaged in sexually explicit conduct.

9. The suspect Kik user had a username / ID of ryan74102411. Kik provided records in response to a subpoena issued on August 16, 2021, which identified a registration email of **andyham04@gmail.com**, which is a Google account. Kik did not provide a recent Internet Protocol (IP) log.

10. On August 20, 2021, Ryan sent two more videos containing CSAM to the OCE. One video depicted a potential victim who would be classified as “age difficult.” The second video depicted a naked adult male with an erect penis. The male was standing and masturbating in front of a prepubescent female who was approximately two to four years old. The prepubescent female’s legs were up in the air spread apart, exposing her genitals. The male attempts to insert his penis into the prepubescent female’s vagina and anus, and then ultimately ejaculates on her genitals.

11. Google Inc. provided basic subscriber records in response to an investigative subpoena issued on October 22, 2021, which including a credit card number of 5113-1724-7915-8982. This card number was serviced by Metabank N.A. The Google records response did not include a recent IP log.

12. On October 27, 2021, Ryan contacted the OCE on Kik. Ryan stated, “Only a few of my niece and cousin,” in reference to original CSAM content he possessed. He also stated, “Ive seen everything you’ve sent asweel [sic], Almost everything has already been seen by those of us that have been into it for years. There’s very few fresh videos being made anymore.” The OCE never sent CSAM or anything remotely close to qualifying as CSAM. Ryan’s statement indicates that he has been distributing and receiving CSAM from other subjects.

13. Metabank N.A. provided basic customer records in response to an investigative subpoena, which identified the customer as Patrick Pitcher, 8075 Saint George Road, Hartville, Wright County, Western District of Missouri. The credit card was issued in 2014 and expired in 2019.

14. On December 29, 2021, the affiant submitted a preservation request to Google.

BACKGROUND CONCERNING GOOGLE

15. Google is a United States company that offers to the public through its Google Accounts a variety of online services, including email, cloud storage, digital payments, and productivity applications, which can be accessed through a web browser or mobile applications. Google also offers to anyone, whether or not they have a Google Account, a free web browser called Google Chrome, a free search engine called Google Search, a free video streaming site called YouTube, a free mapping service called Google Maps, and a free traffic tracking service called Waze. Many of these free services offer additional functionality if the user signs into their Google Account.

16. In addition, Google offers an operating system (“OS”) for mobile devices, including cellular phones, known as Android. Google also sells devices, including laptops, mobile phones, tablets, smart speakers, security cameras, and wireless routers. Users of Android and Google devices are prompted to connect their device to a Google Account when they first turn on the device, and a Google Account is required for certain functionalities on these devices.

17. Signing up for a Google Account automatically generates an email address at the domain gmail.com. That email address will be the log-in username for access to the Google Account.

18. Google advertises its services as “One Account. All of Google working for you.” Once logged into a Google Account, a user can connect to Google’s full suite of services offered to the general public, described in further detail below. In addition, Google keeps certain records indicating ownership and usage of the Google Account across services, described further after the description of services below.

19. Google provides email services (called Gmail) to Google Accounts through email addresses at gmail.com or enterprise email addresses hosted by Google. Gmail can be accessed through a web browser or a mobile application. Additional email addresses (“recovery,” “secondary,” “forwarding,” or “alternate” email addresses) can be associated with the Google Account by the user. Google preserves emails associated with a Google Account indefinitely, unless the user deletes them.

20. Google provides several messaging services including Duo, Messages, Hangouts, Meet, and Chat. These services enable real-time text, voice, and/or video communications through browsers and mobile applications, and also allow users to send and receive text messages, videos, photos, locations, links, and contacts. Google may retain a user’s messages if the user hasn’t disabled that feature or deleted the messages, though other factors may also impact retention. Google does not retain Duo voice calls, though it may retain video or voicemail messages.

21. Google Drive is a cloud storage service automatically created for each Google Account. Users can store an unlimited number of documents created by Google productivity applications like Google Docs (Google’s word processor), Google Sheets (Google’s spreadsheet program), Google Forms (Google’s web form service), and Google Slides, (Google’s presentation program). Users can also upload files to Google Drive, including photos, videos, PDFs, and text documents, until they hit the storage limit. Users can set up their personal computer or mobile

phone to automatically back up files to their Google Drive Account. Each user gets 15 gigabytes of space for free on servers controlled by Google and may purchase more through a subscription plan called Google One. In addition, Google Drive allows users to share their stored files and documents with up to 100 people and grant those with access the ability to edit or comment. Google maintains a record of who made changes when to documents edited in Google productivity applications. Documents shared with a user are saved in their Google Drive in a folder called "Shared with me." Google preserves files stored in Google Drive indefinitely, unless the user deletes them. Google Keep is a cloud-based notetaking service that lets users take notes and share them with other Google users to view, edit, or comment.

22. Google offers a cloud-based photo and video storage service called Google Photos. Users can share or receive photos and videos with others. Google Photos can be trained to recognize individuals, places, and objects in photos and videos and automatically tag them for easy retrieval via a search bar. Users have the option to sync their mobile phone or device photos to Google Photos. Google preserves files stored in Google Photos indefinitely, unless the user deletes them.

23. Google offers a free web browser service called Google Chrome which facilitates access to the Internet. Chrome retains a record of a user's browsing history and allows users to save favorite sites as bookmarks for easy access. If a user is logged into their Google Account on Chrome and has the appropriate settings enabled, their browsing history, bookmarks, and other browser settings may be saved to their Google Account in a record called My Activity.

24. Google integrates its various services to make it easier for Google Accounts to access the full Google suite of services. For example, users accessing their Google Account through their browser can toggle between Google Services via a toolbar displayed on the top of

most Google service pages, including Gmail and Drive. Google Hangout, Meet, and Chat conversations pop up within the same browser window as Gmail. Attachments in Gmail are displayed with a button that allows the user to save the attachment directly to Google Drive. If someone shares a document with a Google Account user in Google Docs, the contact information for that individual will be saved in the user's Google Contacts. Google Voice voicemail transcripts and missed call notifications can be sent to a user's Gmail account. And if a user logs into their Google Account on the Chrome browser, their subsequent Chrome browser and Google Search activity is associated with that Google Account, depending on user settings.

25. When individuals register with Google for a Google Account, Google asks users to provide certain personal identifying information, including the user's full name, telephone number, birthday, and gender. If a user is paying for services, the user must also provide a physical address and means and source of payment.

26. Google typically retains and can provide certain transactional information about the creation and use of each account on its system. Google captures the date on which the account was created, the length of service, log-in times and durations, the types of services utilized by the Google Account, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via Google's website or using a mobile application), details about the devices used to access the account, and other log files that reflect usage of the account. In addition, Google keeps records of the Internet Protocol ("IP") addresses used to register the account and accept Google's terms of service, as well as the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the Google Account.

27. Google maintains the communications, files, and associated records for each service used by a Google Account on servers under its control. Even after a user deletes a communication or file from their Google Account, it may continue to be available on Google's servers for a certain period of time.

28. In my training and experience, evidence of who was using a Google account and from where, and evidence related to criminal activity of the kind described above, may be found in the files and records described above. This evidence may establish the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or, alternatively, to exclude the innocent from further suspicion.

29. Based on my training and experience, messages, emails, voicemails, photos, videos, documents, and internet searches are often created and used in furtherance of criminal activity, including to communicate and facilitate the offenses under investigation. Thus, stored communications and files connected to a Google Account may provide direct evidence of the offenses under investigation.

30. In addition, the user's account activity, logs, stored electronic communications, and other data retained by Google can indicate who has used or controlled the account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, subscriber information, email and messaging logs, documents, and photos and videos (and the data associated with the foregoing, such as geo-location, date and time) may be evidence of who used or controlled the account at a relevant time. As an example, because every device has unique hardware and software identifiers, and because every device that connects to the Internet must use an IP address, IP address and device identifier information can help to identify which computers or other devices were used to access the account.

Such information also allows investigators to understand the geographic and chronological context of access, use, and events relating to the crime under investigation.

31. Account activity may also provide relevant insight into the account owner's state of mind as it relates to the offenses under investigation. For example, information on the account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

32. Other information connected to the use of a Google account may lead to the discovery of additional evidence. For example, the apps downloaded from the Google Play store may reveal services used in furtherance of the crimes under investigation or services used to communicate with co-conspirators. In addition, emails, instant messages, Internet activity, documents, and contact and calendar information can lead to the identification of co-conspirators and instrumentalities of the crimes under investigation.

33. Therefore, Google's servers are likely to contain stored electronic communications and information concerning subscribers and their use of Google services. In my training and experience, such information may constitute evidence of the crimes under investigation including information that can be used to identify the account's user or users.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

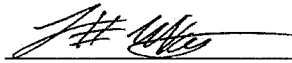
34. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. § 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), by using the warrant to require Google to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B.

Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

35. Based on the forgoing, I request that the Court issue the proposed search warrant.

36. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving the warrant on Google. Because the warrant will be served on Google, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.



Lee Walker
Task Force Officer
Federal Bureau of Investigations

Subscribed and sworn to before me via telephone on the 24th day of January 2022.



HONORABLE DAVID P. RUSH
United States Magistrate Judge
Western District of Missouri